

REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the application in light of this amendment is respectfully requested.

Claims 5 and 8-12 have been amended. Claims 13-15 have been canceled. Claims 16-19 have been added. Therefore, claims 5-12 and ¹⁶~~17~~-19 are under active consideration.

Applicant has invented an apparatus for preparing a boned pork product which includes a searing oven at a high temperature cooking station for braising and charring the boned pork product using radiant heat. The apparatus also includes a dual box, spiral steam cooker at a low temperature cooking station for cooking the boned pork product using steam to yield a fully-cooked, boned pork product. The apparatus further includes a freezer at a freezer station for freezing the fully-cooked, boned pork product. A first conveyor belt is disposed between the searing oven and the steam cooker and serves to mechanically transport the boned pork product from the high temperature cooking station to the low temperature cooking station. A second conveyor belt is disposed between the steam cooker and the freezer and serves to mechanically transport the fully-cooked, boned pork product from said low temperature cooking station to said freezer station. Together, first and second conveyor belts continuously and mechanically feed the product through the apparatus. In use, the first conveyor belt advances the boned pork product through the searing oven which braises and chars the product using radiant heat. The first conveyor belt further advances the product into the dual box, spiral steam cooker which fully cooks the product. The steam cooker advances the fully-cooked product onto the second conveyor

belt which, in turn, advances the product into the freezer. The freezer chills the product for distribution purposes.

As will hereinafter be explained in detail, the references cited by the Examiner in the rejections fail to teach, disclose or suggest applicant's claimed invention, as amended.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,314,705 to Hansson et al. (hereinafter referred to as Hansson) in view of U.S. Patent No. 4,565,704 to Dagerskog et al. (hereinafter referred to as Dagerskog). In support of the rejection, the Examiner commented,

Hanson teaches a method for preparing a frozen meal package comprising the steps of, applying steam to the pork product at a low temperature cooking station to yield a fully-cooked, pork product (col. 1, lines 55+), and freezing the food product (col. 2, lines 30+). Hanson teaches all of the claimed limitations except for applying radiant infrared heat to boned pork product. Dagerskog teaches applying radiant infrared heat to boned pork product (col. 3, lines 15+, abstract). It would have been obvious to one of ordinary skill in the art to applying radiant infrared heat to boned pork product as taught by Dagerskog, since Dagerskog also teaches that the pork chops can be frozen and packaged.

This rejection is respectfully traversed.

With respect to claim 5, as amended, applicant claims a method for preparing a boned pork product comprising the steps of, inter alia, applying radiant infrared heat to the boned pork product until the boned pork product is braised and charred but not fully-cooked, applying steam to the braised and charred but not fully-cooked boned pork product until the braised and charred but not fully-cooked boned pork product is fully-cooked, and cooling the fully-cooked boned pork product. As will be described further in detail below, combining Hansson with Dagerskog does not render applicant's claimed invention unpatentable.

Specifically, the Examiner commented in the final Office Action that "Hanson teaches all of the claimed limitations except for applying radiant infrared heat to boned pork product. Dagerskog teaches applying radiant infrared heat to boned pork product." In response to the Examiner's contention, applicant wishes to note that claim 5, as amended herewith, claims a method for preparing a boned pork product comprising the steps of, inter alia, applying radiant infrared heat to the boned pork product until the boned pork product is braised and charred but not fully-cooked. To the contrary, Dagerskog does not disclose applying radiant infrared heat to a boned pork product until said product is braised and charred but not fully-cooked. Rather, Dagerskog discloses applying radiant infrared heat to patties (32) until patties (32) are fried and fully-cooked. See col. 3, lines 27 -28 of Dagerskog. Applying radiant infrared heat to a product until said product is braised and charred but not fully-cooked is not the same as applying radiant infrared heat to a product until said product is fried and fully-cooked.

As can be appreciated, applying radiant infrared heat to a product only until said product is braised and charred but not yet fully-cooked provides a plurality of notable advantages. As a first advantage, braising the product serves to render out the fat from the product. See page 7, lines 17-19 of the subject patent application. As a second advantage, charring the product gives the product a darkened, charred exterior, which is visually appetizing. See page 7, lines 19-21 of the subject patent application. As a third advantage, charring the product serves to retain in the product spices and/or marinades which were previously applied. As a fourth advantage, by not fully-cooking the product using radiant infrared heat, the product can be subsequently fully-cooked using a slow-cooking process (e.g., steam), thereby rendering the product more tender and

moist than if it were fully-cooked using radiant infrared heat. See page 8, lines 10-16 of the subject patent application.

Withdrawal of the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Dagerskog is respectfully urged.

Claims 6-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Dagerskog and further in view of U.S. Patent No. 4,867,994 to P.M. Perrine (hereinafter referred to as Perrine). In support of the rejection, the Examiner commented,

Hansson in view of Dagerskog teaches all of the claimed limitations except for the step of mechanically transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station. Perrine teaches a method step of mechanically transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station (col. 8, lines 65+, col. 9, lines 50+, col. 10, lines 5+, col. 11, lines 10+). It would have been obvious to one of ordinary skill in the art to prepare a frozen meal package by transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station mechanically as taught by Perrine, since Perrine teaches the conventional method of using a conveyor when transporting product to other stations, and since this save time and labor of a human transporting the product.

Regarding claims 8-9, Dagerskog teaches a radiant heat searing oven (fig. 1). Hansson in view of Dagerskog teaches all of the claimed limitations except for specifically claimed temperature. However, the specifically claimed temperature is not seen to be a patentable distinction and it would have been obvious to one of ordinary skill in the art to modify the method Hansson in view of Dagerskog by routine experimentation so as to arrive at the claim temperature.

Regarding claims 12-14, Hansson teaches steam cooker (col. 1, lines 57).

This rejection is respectfully traversed.

With respect to claims 6-12, applicant contends that claims 6-12 are in allowable form, inter alia, for being dependent upon claim 5, which applicant believes is in allowable form for the reasons noted above.

With respect to claims 13-15, applicant wishes to note to the Examiner that claims 13-15 are being canceled herewith.

Withdrawal of the rejection of claims 6-15 under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Dagerskog and further in view of Perrine is respectfully urged.

New claims 16-19 have been added. Claims 16-19 are patentable over the cited references, inter alia, for the same reasons as noted above in applicant's response to the 35 U.S.C. 103(a) rejection of claim 5.

The prior art made of record and not relied upon is noted.

Allowance of the application with claims 5-12 and 16-19 is earnestly solicited.

Applicant respectfully requests that, if the present amendment does not place the subject patent application in allowable form, the Examiner contact the undersigned attorney.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Kriegsman & Kriegsman

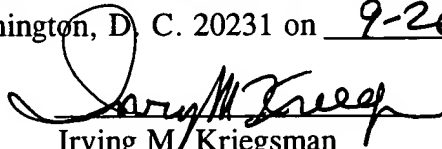
By: 

Irving M. Kriegsman
Reg. No. 22,733
665 Franklin Street
Framingham, MA 01702
(508) 879-3500

Date:

9-26-02

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Commissioner for Patents, Washington, D. C. 20231 on 9-26-07


Irving M. Kriegsman

MARKED-UP AMENDED CLAIMS 5-7:

5. (Twice Amended) A method for preparing a fully-cooked boned pork product comprising the steps of:

(a). applying radiant infrared heat to the boned pork product at a first cooking station until the boned pork product is braised and charred but not fully-cooked,

(b). applying steam to the braised and charred but not fully-cooked boned pork product at a second cooking station until the braised and charred but not fully-cooked [to yield a fully-cooked,] boned pork product is fully-cooked, and

(c) cooling [freezing] the fully-cooked boned pork product at a third station.

8. (Amended) The method of claim 5 [8] wherein said step of applying radiant infrared heat to the boned pork product is accomplished using a radiant heat searing oven.

9. (Amended) The method of claim 8 wherein the [radiant infrared heat which is applied to the boned pork product by said] radiant heat searing oven [is] applies radiant infrared heat to the boned pork product at approximately 1500°F.

10. (Amended) The method of claim 6 [8] wherein said step of transporting the product from the first cooking station to the second cooking station is accomplished using a first conveyor belt.

11. (Amended) The method of claim 7 [10] wherein said step of transporting the product from the second cooking station to the third cooking station is accomplished using a second conveyor belt.

12. (Amended) The method of claim 8 [11] wherein said step of applying steam to the braised and charred but not fully-cooked boned pork product is accomplished using [at least one] a steam cooker.